

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 878 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

J J PANDYA

Versus

ORIENTAL INSURANCE COMPANY LIMITED

Appearance:

MR JD AJMERA for Petitioner

MR P K Jani for Mr UDAY R BHATT for Respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 07/10/97

ORAL JUDGEMENT

RULE.

Heard the learned Advocates for the parties. It is contended by Mr J D Ajmera, learned Advocate for the petitioner that the appeal has been decided without giving an opportunity of hearing to the petitioner. Thus, there is violation of natural justice and fair

play. On the other hand, Mr P K Jani, learned Advocate submits that there is no obligation on the Appellate Authority to give a personal hearing. He also submits that the petitioner had never asked for personal hearing. Mr Ajmera has read the order of the Appellate Authority and has raised certain contentions and submitted that all his contentions have not been considered by the Appellate Authority. Thus, without going into the question whether it was obligatory upon the Appellate Authority to give personal hearing, in my view, in the facts and circumstances of the case, it is desirable that the petitioner is given personal hearing by the Appellate Authority.

In view of the aforesaid, this Special Civil Application is allowed. The order dated 14.8.1996 is quashed and set aside. However, it is made clear that I am not entering into the merits of the case, and therefore, it would not be considered that I have found any fault with the Appellate Authority. The Appellate Authority will decide the appeal afresh after giving an opportunity of hearing to the petitioner.

Rule made absolute to the aforesaid extent.

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msp.